

FILED

SEP 10 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY SNM, DEPUTY

David Allen Kluggen

(Enter the full name of the plaintiff.)

CIV 20

918 JD

v.

Case No. _____

(Court Clerk will insert case number)

- (1) Major County Jail
- (2) Darin Reames etc, etc
- (3) Deputy Heniki

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

II. State whether you are a:

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Pretrial detainee
- Immigration detainee
- Civilly committed detainee

Other (please explain) Major County Jail

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

c. Approximate date of filing: _____

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): _____

f. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: David Allen Klassen

Address: 500 E. Broadway Suite 4 Fairview, OK 73737

Inmate No.: _____

2. Defendant No. 1

Name and official position: Sheriff Darin

Reames

Place of employment and/or residence: Major County

Jail

How is this person sued? official capacity, individual capacity, both

3. Defendant No. 2

Name and official position: Deputy Heniki

Place of employment and/or residence: Major County

Jail

How is this person sued? official capacity, individual capacity, both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

Defendant No. 3

Name + official position: Jail Administrator - Rebecca Kolf
Place of Employment and/or residence: Major County Jail
How is person sued - Both official capacity individual capacity

Defendant No. 4

Name + official position: Major County Jail
Place of Employment and/or residence: Major County Jail
How is the person sued - Both official capacity individual capacity

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*
- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

- (1) List the right that you believe was violated:

Deputy Heniki brought his loaded sidearm (pistol)
on his right hip, into a secure area of the Jail
on 8-10-2020. Creating an unsafe environment
breaking the law, & causing mental stress over it.

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Deputy Heniki, Jailer Chad, Major
County Jail.

(3) List the supporting facts:

On 8-10-2020 at approximately 10:00pm - 10:25 pm, Deputy Heniki brought his loaded sidearm (pistol) into the secure area of the jail were inmates were housed, when I addressed him & informed him he was not all

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

For Major County to immediately cease all civil rights violations. Also \$0,000.⁰⁰ after all cost + fees. For I am now completely indigent & will be receiving no more money on my account

2. Claim II:

(1) List the right that you believe was violated:

Human rights pertaining to food preparation & portion sizes + feeding us old food items. Cruel + unusual treatment, weight loss + stomach aches all the time + constant diarrhea

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Major County Jail

(3) List the supporting facts:

between 6-7-2020 to 9-3-2020 I was served hotdogs for lunch Mon-Fri & 2 small sandwiches Sat+Sun, portions for breakfast+dinner were smaller than state requirements for food menu

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Proper menu for all inmates, 10,000⁰⁰ after all costs & fees for pain + suffering.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.



Plaintiff's signature

9-3-2020

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 3rd day of September, 2020.



Plaintiff's signature

9-3-2020

Date